

Rejection of Claims 1, 8-9, 18, 20, 21, 24 and 29-31 Under 35 U.S.C. § 102(a) as Being

Allegedly Anticipated by Davin et al. ("Purification of Secoisolariciresinol Dehydrogenase," *Plant Physiology*, (Abstract) 1997)

As a preliminary matter, applicants note that the Davin et al. abstract does not provide a disclosure that enables one of ordinary skill in the art to practice the invention defined by the pending claims. In particular, the Davin et al. abstract does not disclose that nucleic acid molecules encoding secoisolariciresinol dehydrogenase had been successfully cloned at the time of publication of the Davin et al. abstract, nor does the Davin et al. abstract disclose techniques for cloning those molecules. Consequently, the Davin et al. abstract does not anticipate the subject matter of Claims 1, 8-9, 18, 20, 21, 24 and 29-31.

Moreover, enclosed herewith is the Declaration of inventor Norman G. Lewis that establishes that the Davin et al. abstract is not a publication "by another", and so is not citable as prior art against the present application under 35 U.S.C. § 102(a).

Applicants respectfully request withdrawal of the rejection of Claims 1, 8-9, 18, 20, 21, 24 and 29-31 under 35 U.S.C. § 102(a) as being allegedly anticipated by Davin et al.

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CONCLUSIONS

In view of the foregoing arguments, and the Lewis Declaration, applicants respectfully submit that all of the pending claims are in condition for allowance. Reconsideration and favorable action are requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

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